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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/645,721

08/20/2003

John G. McCarthy

10020842-1

8101

22879 7590 03/30/2007

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EXAMINER

PATEL, NIKETA I

ART UNIT

PAPER NUMBER

2181

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/645,721

Applicant(s)

MCCARTHY, JOHN G.

Examiner

Niketa I. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-11 is/are pending in the application.
- 4a) Of the above claim(s) 12-15 and 17-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/22/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

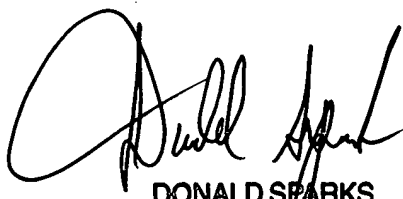
1. In view of the appeal brief filed on 12/06/2006, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:



DONALD SPARKS
SUPERVISORY PATENT EXAMINER

Donald Sparks.

Response to Arguments

2. Applicant's arguments, see appeal brief, filed 12/06/2006, with respect to the rejection(s) of claim(s) 1 and 8 under 35 USC § 102(e) have been fully considered and are persuasive.

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Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Cheng U.S. Patent Application Publication Number: 2003/0005130 A1 and Labbe et al. U.S. Patent No.: 7,158,938 b2.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-6, 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng U.S. Patent Application Publication Number: 2003/0005130 A1 (hereinafter referred to as "*Cheng*") and further in view of Labbe et al. U.S. Patent No.: 7,158,938 b2 (hereinafter "*Labbe*".)

5. Referring to claim 1, *Cheng* teaches upon receiving a device command from a first host, reserving for the first host a device targeted by the device command and setting a reservation time period for expiration of the reservation [see *Cheng* paragraphs 0039, 0046, Reserve command, starting time and ending time and paragraph 0052, expiration of the reservation time period, message types and characteristics] however does not clearly set forth the limitation of the reservation time period being determined based on a command type of the device command. *Labbe* teaches the limitation of a reservation time period being determined based on a command type of the device command [see *Labbe* column 6, lines job information, for example the type of job and the job order quantity to determine how many time slots to reserve] in order to provide

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the ability to schedule tasks during low machine demand hours, for example for late afternoon or evening hours.

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the method of *Cheng* to determine the reservation time period based on a command type of the device command in order to provide the ability to schedule tasks during low machine demand hours, for example for late afternoon or evening hours. It is for this reason that one of ordinary skill in the art would have been motivated to implement the limitation of reservation time period being determined based on a command type of the device command to efficiently distribute and manage resources.

6. **Referring to claims 3**, the combination of *Cheng and Labbe* teaches further comprising: upon receiving a device command targeted to the device from a second host, determining if the device is reserved and if the device is reserved to a host other than the second host, denying the device command from the second host [see *Cheng* paragraphs 0044, 0046, 0047, if any resource is not available, the reservation request fails.]

7. **Referring to claim 4**, the combination of *Cheng and Labbe* teaches wherein determining if the device is reserved comprises determining if the reservation time period has expired [see *Cheng* column 1, lines 45-59 and column 2, lines 3-14 and column 4, lines 7-38.]

8. **Referring to claim 5**, the combination of *Cheng and Labbe* teaches further comprising if the device is not reserved, executing the device command from the second host [see *Cheng* paragraphs 0039, 0046, 0052, Reserve command, starting time and ending time.]

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9. **Referring to claims 6**, the combination of *Cheng and Labbe* teaches wherein the device command from the second host comprises a clear command [see *Cheng* paragraphs 0039, 0046, 0052, Release command or Unschedule.]

10. **Referring to claims 8**, the combination of *Cheng and Labbe* teaches wherein the device command comprises one of a write command, a rewind command, a read command, a load command, an unload command, and a seek command [see *Cheng* paragraph 0047, streaming – i.e., read or load.]

11. **Referring to claims 9, 10**, the combination of *Cheng and Labbe* teaches wherein the device command comprises a tape device command, a disk device command, [see *Cheng* paragraph 0029, 0032, tape, disk.]

12. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Cheng, Labbe* and further in view of UK Patent Application No 2379769A filed by Ahmad H Tawil, which was submitted by the applicant as part of the IDS filed on 01/10/2005 (hereinafter referred to as “*Tawil*”).)

13. **Referring to claims 2**, the combination of *Cheng and Labbe* teaches upon receiving a device command from a first host, reserving for the first host a device targeted by the device command and setting a reservation time period for expiration of the reservation [see *Cheng* paragraphs 0039, 0046, 0052] however, does not set forth the limitation of further comprising upon receiving a second device command from the first host, resetting the reservation time period. *Tawil* teaches the limitation of resetting the reservation time period [see abstract, ‘reservation may be released by issuing a reserve out command’.]

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It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of allowing a host to reset a memory access period in order to meet the demand of the host process by resetting the reserved time period of the memory access. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention implement resetting the reservation time period to get this advantage.

14. Referring to claims 11, the combination of *Cheng and Labbe* teaches upon receiving a device command from a first host, reserving for the first host a device targeted by the device command and setting a reservation time period for expiration of the reservation [see *Cheng* paragraphs 0039, 0046, 0052] however, does not set forth the limitation of wherein the device command comprises a Small Computer System Interface (SCSI) command. *Tawil* teaches the limitation of using a Small Computer System Interface (SCSI) command [see abstract, SCSI command.]

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of using SCSI commands in order to allow faster communication and the ability to daisy chain up to seven different devices. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention implement Small Computer System Interface (SCSI) command to get this advantage.

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Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272 4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner:



Niketa Patel
03/27/2007


DONALD SPARKS
SUPERVISORY PATENT EXAMINER